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ABSTRACT

The elimination of all forms of corporal punishment in educational settings must occur immediately. Not only does corporal punishment violate key democratic principals, but it also thwarts the increasing professionalization of teaching. In addition, available research findings illustrate that corporal punishment: (1) only temporarily suppresses undesired behavior; (2) is ineffective in promoting new learning; (3) arouses pupil's aggressions; and (4) implies to children that violence is an acceptable way to solve problems. Further, corporal punishment is typically inappropriate for the crime committed and, rather than use it as a last resort, the authoritarian, the inexperienced, and the impulsive teachers who practice corporal punishment, use this form of discipline first. Short and long term solutions to the problem of school discipline include the provision of alternative experiences for bored or otherwise unreceptive students, alternative schools within the public system, and employing adequate numbers of professional specialists. (12 references) (KM)

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A CALL FOR THE END OF CORPORAL PUNISHMENT IN SCHOOLS

(Paper Delivered at the Annual Conference of the
Institute for Democratic Education, Ohio University, Athens,
Ohio, June 23, 1989).

PHYSICAL PUNISHMENT IN THE SCHOOLS: A Philosophic Appraisal

Patrick M. Socoski, West Virginia Univ.

ABSTRACT

THE TALK APPROACHES THE ISSUE OF CORPORAL PUNISHMENT IN TWO
WAYS. AFTER A REVIEW OF PRESENT CORPORAL PUNISHMENT
PRACTICES IN SCHOOLS, IT ARGUES THAT STATES OR SCHOOL
DISTRICTS THAT NOW PERMIT CORPORAL PUNISHMENT SHOULD BAN IT
BECAUSE 1) CORPORAL PUNISHMENT PRACTICES VIOLATE KEY
DEMOCRATIC PRINCIPLES; AND 2) THAT ADMINISTRATION OF

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CORPORAL PUNISHMENT THWARTS THE INCREASING
PROFESSIONALIZATION OF TEACHING. THE AUTHOR SUBJECTS HIS
PHILOSOPHICAL POSITION TO KNOWN COUNTERPOSITIONS, THEN
SUGGESTS PRACTICAL POLICY CHANGES TO FACILITATE COMPLIANCE
WITH THE CONCLUSIONS OF HIS ARGUMENT.

INTRODUCTION

The violent culture which American children encounter is illustrated by many facts of everyday life: children grow up playing cops and robbers with toys so realistic that police officers often mistake them for the real thing. Each year over 27,000 youth between the ages of 12 and 15 are the victims of handguns; every day a child is accidentally killed by a handgun.

One could literally go on for hours outlining violent episodes involving children and youth in American society. "Mapletown Student Opens Fire on Lockers," "Boy, 10, with Loaded Shotgun Disarmed" --these newslines and many others appear in rural, suburban, and urban newspapers daily. It now has become part of our taken-for-granted assumptions about life that about one kid a day will be killed in street gang warfare in Los Angeles. Joggers in New York's Central park risk the prospect of savage random violence committed by youth who are out "wilding."

When one looks at what goes on in our schools, the picture is hardly different. Diane Hembree and Rob Waters write in PARENTING magazine that:

"An estimated two to three million times each year, children in public schools are paddled, whipped, switched, tied to chairs --all in the name of discipline. Countless others are hit in parochial and private schools. From depressed rust-belt cities like Flint, Michigan, to the affluent suburbs of Atlanta, the age-old tradition of corporal punishment is very much alive."¹

These authors and many others have documented individual cases of corporal punishment that have occurred in the 39 states that allow corporal punishment. However, since you are educators, and tend to be empathic, I would prefer not to evoke your emotions at this point. What I would like to do is to consider three aspects of the corporal punishment issue --legal, cultural, and professional-- then use philosophic argument to support an educational policy toward corporal punishment. This policy will call for the immediate elimination of all forms of corporal punishment in educational settings, and discuss possible guidelines for implementation.

LEGAL ASPECTS OF CORPORAL PUNISHMENT IN AMERICAN EDUCATION

The Supreme Court ruled in 1977 that corporal punishment administered by school authorities did not violate the ban against cruel and unusual punishment imposed by the Eighth Amendment of the United States Constitution. This, the Court ruled, was true even in cases where serious injury results from such practices. In *Ingraham v. Wright* (1977), the Court further ruled that corporal punishment may be authorized by states. The Court stipulated that the punishment should be "reasonable and not excessive," and should take into account the age and size of the student and the seriousness of the offense.²

Prior to this, the Court had not ruled on a case involving corporal punishment in public schools. There was, thus, an explicit approval of "reasonable" corporal punishment. A Texas federal district court in 1977, however, ruled that when punishment was not reasonable, it was not lawful. Teachers whose punishment fit this description could be held civilly and criminally liable for damages. Shortly thereafter, a federal district court in Pennsylvania ruled that parents could stop their own children from receiving corporal punishment. They could sign forms indicating their desire that their children not receive corporal punishment.

In 1975 in North Carolina, however, the Supreme Court affirmed a lower court decision that authorizes corporal punishment without parental permission. The case of Baker v. Owen accepted the four procedural standards which the lower court had established:

1. The student is entitled to know beforehand what behavior, if continued, will lead to corporal punishment.

2. Corporal punishment must be used only as a last resort, after all available methods of correction have been tried and have failed.

3. The punishment must be administered in the presence of another adult, preferably another member of the school staff.

4. Parents may not veto corporal punishment for their own child, but may request and be granted a written account of the punishment, together with the name of the adult present.³ Thus, both lower court and Supreme Court rulings attest to the historical tradition of corporal punishment in schools.

PHILOSOPHICAL ASPECTS OF CORPORAL PUNISHMENT

In their book, The Ethics of School Administration, Strike, Haller and Soltis argue for a principle of equal respect. They regard the principle of equal respect as a key part of the notion of due process. Using a nonconsequentialist ethical line of reasoning, they apply their argument to the the issues of discipline and punishment. They assert that:

"One important moral concept about punishment is that the punishment should fit the crime. Generally, the idea seems to be that people who have done something morally wrong deserve to suffer in proportion to the evil they have done. Too much punishment or too little is inappropriate. This conception of punishment makes sense from the nonconsequentialist point of view, because it recognizes that people are responsible for their choices and that they can do evil. It recognizes that people are sometimes guilty. And it provides a way to absolve guilt through punishment. One justly suffers proportionately to the wrong one has done."⁴

The point the authors are making is that one can plausibly argue from their preferred ethical framework (nonconsequentialism) that punishment should fit the "crime" or infraction. This position is one that may be taken by those who wish to claim that the "punishment" that typically occurs in corporal punishment is inappropriate for the crime. I would like to take that position, and at the same time challenge those who feel that corporal punishment AS IT ACTUALLY OCCURS IN SCHOOLS is appropriate to the crime.

First, however, is the issue of whether the punishment fits the crime. There is a vast amount of evidence that counterindicates this. As Irwin Hyman notes,

"Contrary to popular belief, corporal punishment is not used as a last resort. In fact, studies suggest that corporal punishment is often the first punishment for nonviolent and minor misbehaviors."⁵

Analysis of recent corporal cases reported in national newspapers. Paper presented at the annual convention of the National Association of School Psychologists, Philadelphia, PA.

And as Irwin pointed out in a telephone conversation with me recently, teachers who use corporal punishment tend to be authoritarian, dogmatic, relatively inexperienced, impulsive and neurotic, as compared to their peers. His research indicates that the personality of these teachers does not incline them to foster the building of democratic community in classrooms. In fact, schools with high rates of corporal punishment tend to have high rates of suspensions, and are usually more punitive in discipline responses than low rate schools⁶. Interestingly, one of the few empirical studies in the debate over the use of corporal punishment in the schools suggests that schools that stress corporal punishment also have large numbers of minority and poverty children. Farley's investigation concluded that "There was

a tendency for the schools with high concentrations of blacks and the schools with more students eligible for free lunch programs to use more corporal punishment."⁷

Philosophically, one could make the following argument: Clearly, schools need to limit the liberty of students in some ways. This is for the good of both children and others. But as Bilow has pointed out, when children's liberty is restricted, they have the right to an explanation. He uses John Rawls' argument that a developed sense of self-respect is necessary if we are to exercise our rights. This leads Bilow to conclude that "children have the right to an education that develops their self-respect. And if children (people) can only develop self-respect if they are treated with respect by others, then children have the right to be treated with respect."⁸

This argument recognizes that key to respecting others is a willingness to justify our actions to them. A point I would like to make in this talk is that corporal punishment represents a harsh and threatening form of punishment that public teachers would be hard pressed to justify to children, or any reasonable adult, for that matter. Hyman et al. provide a summary of available research findings to illustrate this:

1. While corporal punishment temporarily suppresses

behavior, it does not teach new behavior.

2. Punishment, in general, is not effective in promoting new learning. The overwhelming evidence suggests that reward, praise, and interactions with children which promote the development of a positive self concept are the most powerful motivators for learning.

3. Corporal punishment arouses aggression in the pupils.

4. The use of corporal punishment teaches children that violence the way to solve problems. Research shows that this message is taught to those who inflict the pain, to those who receive it and those who witness it. Schools should not teach that might makes right. It does not help children develop internal controls which are necessary in a democracy."⁹ One could give many more examples of how the measured effects of corporal punishment stymie our attempts to discipline reasonably and recognize the rights of children. And these attempts, it would seem, undergird all attempts to promote democracy in the classroom, school and community.

Moreover, I'm going to be bold enough to assume that many of you in this room agree with the major claims here. If not, fine: I would love to hear your reactions. In preparing for this dialogue I have begun to assemble the best arguments from philosophers and educational theorists against corporal punishment. Undoubtedly, your debate and criticism will be helpful.

In addition to the philosophic debate from which my position paper is emerging, I envision other outcomes for this project. One is that teachers, trainers of teachers, and students of education have the opportunity to examine the reasons for, and effects of, corporal punishment in our schools. If you do so you will be in good company --Horace Mann, Nietzsche, John Dewey, Locke, Rousseau, and many others. In the process of so doing I hope members of the above groups take important steps toward constructing a sound theoretical rationale to justify the particular disciplinary practice they choose to adopt.

In the democratic spirit of this conference, I wish to avoid indoctrinating my points. If the session has served to provoke or evoke you into putting more thought into this matter and thinking through your own policy on the matter, I will feel successful.

However, it seems clear that the invidious effects of corporal punishment in our schools cannot be ignored as society overall becomes more violent. Classrooms, as well, are physically dangerous places for many teachers and students. But teachers and administrators must examine the empirical and theoretical evidence before adopting the bigger paddle strategy. Incurable types may be more inclined to give up their perpetual indiscipline if they stand the chance of losing their driving license. In

addition there is a litany of alternatives to the use of physical punishment in the schools. The National Education Association Task Force, for example, in 1972 enumerated a number of short and long -range solutions for the elimination of punishment as a means of maintaining discipline. Short-range solutions include providing quiet places; student-teacher agreement on immediate alternatives; and provision of alternative experiences for students who are bored, turned off, or otherwise unreceptive to particular educational experiences. Long-range solutions include alternative schools within the public school system; adequate professional specialists -psychiatrists, psychologists, social workers; and having aides and technicians to perform paraprofessional and clerical duties to free professional staff to work directly with students¹⁰. Indeed many effective alternatives to corporal punishment exist. And there is documentation of the positive results of these efforts.¹¹

Additionally, those who are inclined to push for increasing the state, school, city -wide bans on corporal punishment need to present their case to boards of education, state legislatures, and groups of parents. Attitudes about the efficacy of corporal punishment are riddled with misinformation and ignorance. Indeed the work is cut out for those who campaign to eliminate the use of

corporal punishment in schools, but perhaps one may draw some inspiration from Rousseau, who asserted that:

"If they break these rules, their only punishment is to be sent away at once, and my one means of making this a punishment is to see that they like no other place so well."¹²

1Diana Hembree and Rob Waters, "Against Our Children,"
PARENTING, Oct., 1988, p.64.

2Ingraham v. Wright, 430 U.S. 651 (1977).

3M. Chester Nolte, "Before You Take a Paddling in Court,
Read this Corporal Punishment Advice," AMERICAN SCHOOL
BOARD JOURNAL, v.173, no.7, July, 1986, p. 27.

4Strike, Haller, Soltis, The Ethics of School Administration
(NYC:Teachers College Press, 1988),p.81.

5Irwin A. Hyman, "Eliminating Corporal Punishment in
Schools: Moving from Advocacy Research to Policy
Implementation," Paper presented at the Ninety-sixth
Convention of the American Psychological Association,
Atlanta, GA, August 13, 1988, p.6. See also Clarke, J.,
Erdlen, R., and Hyman, I.A. (April, 1984).

6Farley and Hyman, Characteristics of Schools in Relation to
Their Use of Corporal Punishment, Monograph, National
Center for the Study of Corporal Punishment, 1983.

7"National Survey of the Use and Non-Use of Corporal Punishment As a Disciplinary Technique Within United States Public Schools," Arnold Farley, Temple University, National Center for the Studt of Corporal Punishment, Monograph.

8Bilow, "Future Persons and the Justification of Education," Paper Presented at 1989 Meeting of the Philosophy of Education Society, p.13.

9Hyman, pp.7-8, Document #206A. Available from the National Center for the Study of Corporal Punishment, Temple University.

10"Report of the Task Force on Corporal Punishment" 1972, National Education Association.

11See for example, Irwin A. Hyman and Delores Lilly, "A Study of Staff Development Programs for Improving School Discipline," The Urban Review 14 (1982): 181-195.

12Extract from "Julie," p.47.